

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-04740-VEC**

New York Times Company et al v. U.S. Food and Drug
Administration
Assigned to: Judge Valerie E. Caproni
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

New York Times Company

represented by **Alexandra Perloff-Giles**
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
212-556-7783
Email: aperloffgiles@nytimes.com
ATTORNEY TO BE NOTICED

Dana Robinson Green
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
212-556-3800
Fax: 212-556-4634
Email: dana.green@nytimes.com
ATTORNEY TO BE NOTICED

David Edward McCraw
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
(212) 556-4031
Fax: (212) 556-1009
Email: mccraw@nytimes.com
ATTORNEY TO BE NOTICED

Plaintiff

Sheila Kaplan

represented by **Alexandra Perloff-Giles**
(See above for address)
ATTORNEY TO BE NOTICED

Dana Robinson Green
(See above for address)
ATTORNEY TO BE NOTICED

David Edward McCraw
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Food and Drug Administration

represented by **Charles Salim Jacob**
United States Attorney's Office SDNY
86 Chambers St.
New York, NY 10007
212-637-2725
Fax: 212-637-2702
Email: charles.jacob@usdoj.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/22/2019	<u>1</u>	COMPLAINT against U.S. Food and Drug Administration. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16937957) Document filed by Sheila Kaplan, New York Times Company.(McCraw, David) (Entered: 05/22/2019)
05/22/2019	<u>2</u>	FILING ERROR – CORPORATE PARENT/OTHER AFFILIATE NOT ADDED – RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by New York Times Company.(McCraw, David) Modified on 5/23/2019 (ldi). (Entered: 05/22/2019)
05/22/2019	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Food and Drug Administration, re: <u>1</u> Complaint. Document filed by Sheila Kaplan, New York Times Company. (McCraw, David) (Entered: 05/22/2019)
05/22/2019	<u>4</u>	CIVIL COVER SHEET filed. (McCraw, David) (Entered: 05/22/2019)
05/23/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Valerie E. Caproni. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (dnh) (Entered: 05/23/2019)
05/23/2019		Magistrate Judge Henry B. Pitman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (dnh) (Entered: 05/23/2019)
05/23/2019		Case Designated ECF. (dnh) (Entered: 05/23/2019)
05/23/2019	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Food and Drug Administration. (dnh) (Entered: 05/23/2019)
05/23/2019		***NOTICE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney David Edward McCraw to RE–FILE Document <u>2</u> Rule 7.1 Corporate Disclosure Statement. ERROR(S): Corporate Parents/Other affiliates were not added. Please re–file this document and when prompted: Are there any corporate parents or other affiliates?, select the YES radio button and enter the Corporate Parent(s) or Affiliate(s). (ldi) (Entered: 05/23/2019)
05/23/2019	<u>6</u>	NOTICE OF APPEARANCE by Dana Robinson Green on behalf of Sheila Kaplan, New York Times Company. (Green, Dana) (Entered: 05/23/2019)
05/23/2019	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate BlackRock, Inc. for New York Times Company, Sheila Kaplan. Document filed by Sheila Kaplan, New York Times Company.(McCraw, David) (Entered: 05/23/2019)
05/24/2019	<u>8</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 7/19/2019 at 10:00 AM in Courtroom 443, 40 Centre Street, New York, NY 10007 before Judge Valerie E. Caproni, as further set forth in this order. (Signed by Judge Valerie E. Caproni on 5/24/2019) (jwh) (Entered: 05/24/2019)
06/27/2019	<u>9</u>	NOTICE OF APPEARANCE by Charles Salim Jacob on behalf of U.S. Food and Drug Administration. (Jacob, Charles) (Entered: 06/27/2019)
06/27/2019	<u>10</u>	ANSWER to <u>1</u> Complaint. Document filed by U.S. Food and Drug Administration.(Jacob, Charles) (Entered: 06/27/2019)
07/11/2019	<u>11</u>	JOINT LETTER MOTION to Adjourn Conference <i>and Joint Submission in Advance of the Initial Pretrial Conference with a Proposed Schedule</i> addressed to Judge Valerie E. Caproni from Charles S. Jacob dated July 11, 2019. Document filed by U.S. Food

		and Drug Administration.(Jacob, Charles) (Entered: 07/11/2019)
07/11/2019	<u>12</u>	ORDER: granting <u>11</u> Letter Motion to Adjourn Conference. Application GRANTED. The parties' proposed productions schedule is ADOPTED. The IPTC is ADJOURNED to November 22, 2019, at 10:00 a.m. In their November 15, 2019 status update, in addition to proposing a schedule for briefing any motions for summary judgment, the parties must inform the Court whether, in their view, the IPTC would be beneficial or should be cancelled. SO ORDERED. Initial Conference set for 11/22/2019 at 10:00 AM before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 7/11/2019) (ama) (Entered: 07/11/2019)
11/08/2019		Magistrate Judge Sarah L. Cave is so redesignated. (wb) (Entered: 11/08/2019)
11/08/2019		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Sarah L Cave. Please note that this is a reassignment of the designation only. (wb) (Entered: 11/08/2019)
11/08/2019	<u>13</u>	NOTICE OF APPEARANCE by Alexandra Perloff–Giles on behalf of Sheila Kaplan, New York Times Company. (Perloff–Giles, Alexandra) (Entered: 11/08/2019)
11/15/2019	<u>14</u>	JOINT LETTER MOTION to Adjourn Conference <i>and Joint Status Report</i> addressed to Judge Valerie E. Caproni from Charles S. Jacob dated November 15, 2019. Document filed by U.S. Food and Drug Administration.(Jacob, Charles) (Entered: 11/15/2019)
11/20/2019	<u>15</u>	ORDER: granting in part <u>14</u> Letter Motion to Adjourn Conference. Application GRANTED in part. The Court adopts the parties' proposed schedule as modified. If Juul moves to intervene in this case, the Court will at that time determine whether the motion is timely. But the Court warns Juul that is unlikely to significantly modify the proposed schedule, thus Juul should make a timely decision whether to move to intervene. The conference scheduled for November 22, 2019, is CANCELLED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/20/2019) (ama) (Entered: 11/20/2019)